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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
GENCO, BRIAN C	
ART UNIT	PAPER NUMBER
2615	

DATE MAILED: 06/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/348,500	HIRASAWA, MASAHIDE	
	Examiner	Art Unit	
	Brian C. Genco	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 March 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,6-10,16,18,20-23,25-29,35,37,58-61,63-67,73 and 75* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,6,7,16,18,20-23,25,26,35,37,58-61,63,64,73 and 75* is/are rejected.

7)☒ Claim(s) *8-10,27-29 and 65-67* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

Claims 8-10, 27-29, and 65-67 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Objections

Claim 20 is objected to because of the following informalities:

In regards to claim 20,Examiner notes lines 6-7 claims "a plurality of photographing conditions stored in the storage step". There is lack of antecedent basis for this limitation. Examiner suggests amending the limitation to read "a plurality of stored photographing conditions ~~stored in the storage step with~~ each of which has a plurality of kinds of control data ~~are~~ associated".

In regards to claim 20, Examiner notes that line 15 claims "changed in said selection setting step", whereas the previously claimed "selection step" was amended to be the "setting step". Examiner suggests amending the limitations to read "changed in said ~~selection~~ setting step".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-4, 6, 16, 18, 20-23, 25, 35, 37, 58-61, 63, 73, and 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over (USPN 5,543,885 to Yamano et al.) in view of (Slater, M. "Universal Serial Bus to Simplify PC I/O: New Interface to Service Keyboards, Mice, Telecom, and More", Microprocessor Report: The Insiders' Guide to Microprocessor Hardware, Vol. 9 Number 5, April 17, 1996, pp. 5-9; herein Slater).

In regards to claim 1 Yamano discloses an image pickup control apparatus for controlling an image pickup apparatus via a data communications interface unit (e.g., control apparatus 14 illustrated in Fig. 1 wherein the data communications interface is implicit with the serial line 16; column 8, lines 6-15; Fig. 7), the image pickup control apparatus comprising:

a setting unit which displays a plurality of photographing conditions with each of which a plurality of kinds of control data are associated, selects the desired photographing conditions from among the plurality of displayed photographing conditions to display the plurality of kinds of control data associated with the selected photographing condition, and changes the plurality of kinds of control data in accordance with an input instruction (e.g., Figs. 8A-8G; column 8, line 6 – column 9, line 2); and

a control unit which is communicatively coupled to said selecting unit, wherein said control unit effects control so as to transmit to the image pickup apparatus the plurality of kinds of control data changed by said setting unit (e.g., column 9, lines 3-16).

Yamano does not disclose a connection detecting unit which detects a connection to the image pickup apparatus via the data communications interface unit.

Examiner notes that it was well known at the time of the invention to utilize a USB serial interface so as to enable hot attaching and detecting of peripheral devices as well as the ability to transfer power to peripheral devices as is disclosed by Slater on the right hand column of page 6. Examiner notes that USB is a serial communications means. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have made the serial communications of Yamano USB communications so as to enable hot attaching and detecting of peripheral devices as well as the ability to transfer power to peripheral devices. As such, Examiner notes that the USB communications is connection detecting unit which detects a connection to the image pickup apparatus via the data communications interface.

In regards to claim 2 Yamano discloses the plurality of kinds of control data include control data for controlling stop and shutter speed (e.g., column 4, line 65 – column 5, line 2; Table 2 on column 6, lines 23-42). Yamano does not disclose the control data include a hue or color density.

Examiner notes that Yamano's camera is a film camera wherein one skilled in the art at the time of the invention would clearly recognize the ability to utilize Yamano's invention in a digital camera as well. Examiner notes that capturing images utilizing a digital camera is advantageous since it allows for instant feedback of a captured image in a review mode and the ability to store the image data digitally which allows for more portability of the images and the ability to edit the images as a user desires. Official Notice is taken. Therefore it would have been obvious to one skilled in the art at the time of the invention to have replaced Yamano's film

camera with a digital camera in order to allow for instant feedback of a captured image in a review mode and the ability to store the image data digitally which allows for more portability of the images and the ability to edit the images as a user desires.

Examiner notes that the ability to set a hue and color density of an image were well known control functions of a digital camera at the time of the invention as evidenced by the previously cited USPN 6,005,613 to Endsley et al. As such, based on Yamano's teachings of changing control data of a camera and on the knowledge of one skilled in the art that the ability to set a hue and color density of an image are well known control functions of a digital camera and the obvious rationale to utilize a digital camera instead of the film camera of Yamano, it would have been obvious to one of ordinary skill in the art at the time of the invention to have further included control data of a hue and color density to Yamano's setting options.

In regards to claim 3 note the bottom of the left hand column and top of the right hand column of page 7 of Slater. Further, in any handshaking operation of data transfer it is necessary to have feedback from the apparatus being communicated with indicating it is ready for more data, in this case indicating transfer of data was successful, and thereby indicating a state in which more data can be sent.

In regards to claim 4 see column 9, lines 12-14 of Yamano.

In regards to claim 6 Yamano discloses the photographing condition is selected based upon an environment and photographing state of a subject (e.g., the scenic, portrait, or sport modes illustrated in Fig. 8C), the environment and photographing state including evening photographing, wedding reception photographing, closeup photographing, ski ground photographing, night scene photographing, and other photographing (e.g., Yamano does not

explicitly disclose the listed environments and photographing conditions but does discloses a user may create a new mode on column 8, lines 63-65. As such it would have been well within the skill of one of ordinary skill in the art to have also included evening photographing, wedding reception photographing, closeup photographing, ski ground photographing, night scene photographing, etc. if necessary).

In regards to claim 16 Examiner notes that the interface is a USB wherein a USB is a general digital interface.

In regards to claim 18 Examiner notes that an IEEE 1394 interface bus is very similar to a USB interface wherein it is well known that a IEEE 1394 has higher data transfer rates than USB. Official Notice is taken. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have used a IEEE 1394 bus interface in order to enable higher data transfer rates.

Examiner notes that claim groups 20-23, 25, 35 and 37; 58-61, 63, 73, and 75 are substantial duplicates of claims 1-4, 6, 16, and 18 respectively wherein the method, system, and storage medium storing a control program are all equally met by the rejections presented above. As such, these claim groups are herein rejected using the same rejections above.

Claims 7, 26, and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over (USPN 5,543,885 to Yamano et al.) in view of (Slater, M. "Universal Serial Bus to Simplify PC I/O: New Interface to Service Keyboards, Mice, Telecom, and More", Microprocessor Report: The Insiders' Guide to Microprocessor Hardware, Vol. 9 Number 5, April 17, 1996, pp. 5-9; herein Slater) in view of (USPN 5,184,169 to Nishitani).

In regards to claim 7 Yamano in view of Slater does not disclose a display control unit which displays a model image corresponding to the control data for the desired photographing condition selected by said selection unit. Yamano does disclose to display associated titles corresponding to the control data for the desired photographing condition selected by said selection unit in order to allow a user to easily confirm the contents of the files (e.g., column 8, line 66 – column 9, line 2).

Nishitani discloses exposure control cards 12 for automatically setting the exposure of the camera to correspond with an environment and photographing state of a subject depicted on the card (column 3, lines 1-14; column 4, lines 1-11). Nishitani discloses that the pictures on the cards are there so that a user can easily determine the mode to which each pre-stored exposure setting corresponds (column 3, lines 10-14; Nishitani). Therefore it would have been obvious to have displayed along with the titles pictures corresponding to the exposure settings so as to further enable a user to easily determine the mode. Examiner notes that one skilled in the art would recognize that this additional indication of the mode would further assist a user in determining the mode in the case that a user forgets the control settings for a particular mode associated with a title.

In regards to claims 26 and 64 see Examiner's notes on the rejections above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian C. Genco who can be reached by phone at 571-272-7364 or by fax at 571-273-7364. The examiner can normally be reached on Monday thru Friday 8:30am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached at 571-272-7593. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is 571-272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian C Genco
Examiner
Art Unit 2615

June 13, 2005

TUAN HO
PRIMARY EXAMINER